IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE BILAL NAZKI

AND

THE HON'BLE MR. S.ANANDA REDDY

W.P. NO. 14655 OF 2007

Dated: 10th July, 2007

Between:

M/s. Hindustan Aeronautics Limited,
Balanagar, Hyderabad,
Rep. By its Addl. General Manager,
Finance, Mr. N. Kumar

Petitioner

AND

The Asst. Commissioner (C.T) LTU,
Office of the Dy. Commissioner (C.T.)
Hyderabad (Rural) Division,
Nampally, Hyderabad and another

Respondents

ORAL ORDER:

(Per the Hon'ble Sri Justice Bilal Nazki)

Heard learned counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The controversy is that the petitioner preferred an appeal before the Appellate Authority on 30.4.2007 along with an application for stay against the order of assessment. The stay petition has not been decided. In the meantime, the respondents have raised demand and initiated coercive steps to recover the money.

In that view of the matter, we feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of 50% of the liability. Therefore, we direct that 50% of the disputed tax liability shall be paid by the petitioner within a period of six weeks from today. For six weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within the stipulated time. The deposit of amount shall be without prejudice to the rights of the petitoner in appeal. If any amount has already been paid by the petitioner, the same shall be given credit.

The writ petition is accordingly disposed of. No costs.

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Bilal Nazki, J.

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S.Ananda Reddy, J.

July 10, 2007

Copy in two days.

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